

FAMILY FACT SHEET

The Family & Medical Leave Act (FMLA)

The California Family Rights Act (CFRA)

The California Family Rights Act is California's version of the Family & Medical Leave Act and is similar in many respects. Pregnancy is an exception. For information on pregnancy leave in California, please refer to the Family Fact Sheet "Pregnancy Disability Leave."

Did You Know That You May be Entitled to 12 Weeks Unpaid Family and Medical Leave?

What Does the Law Provide?

12 weeks of unpaid leave per year, or 12-month period, with job protection.

You must have worked 1,250 hours over the previous 12 months (counting back from when you take leave).

What Conditions or Circumstances are Covered by the Law?

- The birth, adoption or foster care of a child (considered as leave for "bonding"). The leave for bonding must be taken within 12 months of the birth or adoption of the child.
- Care of a spouse, child, or parent, with a "serious" health condition.
- Medical leave for your own "serious" health condition.

CFRA does not cover leave for pregnancy. Refer to the Family Fact Sheet "Pregnancy Disability Leave."

What is the Law if Both Parents Work for the Same Employer?

A husband and wife covered by the law, while working for the same employer, are only eligible for 12 weeks of combined family leave. This applies to bonding and to the care of a parent with a serious health condition only.

Can I Take My Leave in Small Increments?

Yes, you can take 12 weeks in one block, in smaller blocks, or by reducing your workweek or workday. When taking leave for bonding, an employer is allowed by the law to require leave be in no less than two-week increments.

What is a "Serious" Health Condition?

A "serious" health condition refers to an illness, injury or physical or mental condition that causes incapacity *and* either requires an overnight stay at a hospital (or in a similar facility) or requires continued care by a health care provider.

Can I Apply My Paid Sick Leave or Vacation Leave to the Time Given Under FMLA/CFRA?

In general, either you or your employer may apply paid vacation or personal leave to your time off. If you are taking leave for your own serious health condition, you or your employer may also apply paid sick leave.

Which Employers are Covered by the Law?

All employers with 50 or more employees within a 75-mile radius.

If you are taking time for "bonding" with a new child or to care for a sick family member, you or your employer may apply paid sick leave as long as your employer allows you to use sick leave for that purpose.

Am I Covered by the Law?

You must work for a covered employer. You must have been working for the employer for a cumulative 12 months.

In California, employees are allowed to use half of their accrued sick leave to care for a family member. See Family Fact Sheet entitled "Sick Leave Use for Family Care."

How Much Notice Must I Give My Employer?

If your need is foreseeable, you must give your employer 30 days notice.

If your need for leave is unforeseeable, you must inform your employer as soon as possible.

Your employer has the right, if he/she chooses, to require medical certification for leaving work, and periodic reports during the time you take your leave.

What are the Obligations of My Employer Under the Law?

Your employer is required to maintain your health benefits while you are on leave.

Your employer must return you to your original position or to an equivalent one. If placed in an equivalent position, your benefits and pay must be equal to your benefits and pay prior to taking leave.

Is My Employer Required to Inform Me of My Rights Under FMLA/CFRA?

Your employer is required to post a notice detailing rights and responsibilities of both employer and employee under the family leave laws.

Your employer must also provide detailed written information about these rights, and include information in the employee handbook (if one exists) on employee rights and responsibilities under the laws.

Your employers must also designate, in writing, whether your leave falls under FMLA/CFRA.

What Can I Do if My Employer Refuses to Grant Me Leave Under FMLA/CFRA?

Speak to your union representative.

Inform yourself of your rights under Federal and State law and keep a written record of all actions taken by your employer.

Contact the Legal Aid Society – Employment Law Center (see below)

For More Information about Your Rights Under the Law, Contact:

The Work and Family Project
The Legal Aid Society – Employment Law Center

(800) 880-8047 (*California calls only*)

415-864-8848 (*main number*)

www.las-elc.org

This Family Fact Sheet is a publication of the Labor Project for Working Families and is intended to provide accurate information regarding the legal rights of California employees. However, do not rely on this information without consulting the Legal Aid Society – Employment Law Center, or another attorney, about your legal rights under the law.

This Family Fact Sheet is also available in Chinese and Spanish. Please call 510/643-7088.

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